

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In re: Vanessa M Kirby and Eugene C Kirby,
Jr.

Debtors

THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK as
Indenture Trustee for Newcastle Mortgage
Securities Trust 2007-1,
Movant,
v.

Vanessa M Kirby and Eugene C Kirby, Jr.,
Respondent/Debtors,
and
Kenneth E. West, Office of the Chapter 13
Standing Trustee, Trustee,
Additional Respondent.

CHAPTER 13

BANKRUPTCY CASE NUMBER
23-13325-mdc

**OBJECTION OF THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW
YORK AS INDENTURE TRUSTEE FOR NEWCASTLE MORTGAGE SECURITIES
TRUST 2007-1 TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN OF
REORGANIZATION**

THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as
Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1, by and through its counsel,
LOGS Legal Group LLP, hereby objects to the confirmation of Debtor's Chapter 13 Plan, and in
support thereof, avers as follows:

1. On or about November 2, 2023, Debtors filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. Movant holds an allowed claim, secured only by Debtor's principal residence located at 111 East Berkley Avenue, Clifton Heights, PA 19018.
3. Movant is in the process of filing its Proof of Claim citing arrears in the amount of \$12,716.62.
4. Debtor's proposed plan calls for the payment to Movant of arrearages in the amount of \$12,018.00 to be paid to the Trustee through the Plan.
5. The Plan is insufficiently funded to pay Movant its proposed arrearage claim or proposed total debt claim in full.

6. The Plan fails to comply with 11 U.S.C. § 1322.
7. The Plan fails to comply with 11 U.S.C. § 1325.
8. The Court must deny confirmation of Debtor's Chapter 13 Plan.

WHEREFORE, THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1 respectfully requests that confirmation of the Debtor's Plan be denied, that Debtor's bankruptcy petition be dismissed with prejudice; and for such other relief as this Court deems appropriate.

Respectfully submitted,

Dated: December 20, 2023

LLG File #:23-069774

By: /s/ Christopher A. DeNardo
Christopher A. DeNardo, Esquire
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CERTIFICATE OF SERVICE

I, Christopher A. DeNardo, an employee of the law firm of LOGS Legal Group LLP hereby certify that I caused to be served true and correct copies of THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Indenture Trustee for Newcastle Mortgage Securities Trust 2007-1's Objection to the Confirmation of Debtor's Chapter 13 Plan by First Class Mail, postage prepaid or by electronic notification, at the respective last known address or email address of each person set forth below on December 20, 2023:

Jeanne Marie Cella, Esquire
Jeanne Marie Cella and Associates LLC
221 N. Olive Street
Media, PA 19063
Sent via electronic notification paralegal@lawbsc.com

Kenneth E. West, Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107
Sent via electronic notification ecfemails@ph13trustee.com

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

/s/ Christopher A. DeNardo

Christopher A. DeNardo
LOGS Legal Group LLP
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Wayne, PA 19087
(610) 278-6800

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